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02/13/03

\$ GP 1634

EXPRESS MAIL NO. EV215757415US
Attorney Docket No. XTR004 CIP
Client/Matter No. 80148.0212.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerdes, et al.

Serial No. 09/944,604

Filed: August 31, 2001

For: NUCLEIC ACID ARCHIVING

Group Art Unit: 1634

Examiner: Ethan Whisenant

CERTIFICATE OF MAILING BY EXPRESS MAIL

To: BOX RESPONSE/FEE
Commissioner for Patents
Washington, DC 20231

Sir:

The undersigned hereby certifies that the following documents:

1. Amendment Under 37 C.F.R. § 1.111;
2. Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent;
3. Fee Transmittal;
4. Check for \$110.00;
5. Return postcard; and
6. Certificate of Mailing By Express Mail

relating to the above application, were deposited as "Express Mail," Mailing Label No. EV215757415US, with the United States Postal Service, addressed to Box RESPONSE/FEE, Commissioner for Patents, Washington, DC, 20231

Feb. 12, 2003
Date

Sarah O'Rourke
Mailer

Feb. 12, 2003
Date

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AMENDMENT UNDER 37 CFR § 1.111

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REMARKS

An Office Action, Paper, No. 9, was issued in the above-referenced application on January 24, 2003. Claims 143-173 pending, claim 143 was rejected, and claims 144-173 were objected to. In response thereto, a Terminal Disclaimer is submitted herewith.

A. Obviousness-type double patenting rejection addressed

The Office Action states that claim 142 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,291,166 ("the '166 patent"). During a telephone conference between the Examiner and the undersigned on February 5, 2003, the Examiner clarified he intended to state that claim 143 is rejected under this doctrine.

In response thereto, a Terminal Disclaimer is being filed with respect to the '166 patent, thereby obviating this rejection.

FEE TRANSMITTAL for FY 2003

Complete if Known

Application Number	09/944,604
Filing Date	August 31, 2001
First Named Inventor	John Gerdes
Examiner Name	Ethan Whisenant
Group / Art Unit	1634
Attorney Docket No.	XTR004CIP

AMOUNT OF PAYMENT (\$) (\$110)

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

50-1123

Deposit
Account
Name

Hogan & Hartson L.L.P.

- ☒ Charge Any Additional Fee Required Under 37 CFR § 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒

Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	750	201	375	Utility Filing Fee	
106	330	206	165	Design filing fee	
107	520	207	260	Plant filing fee	
108	750	208	375	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20**=	X	
Independent Claims	-3**=	X	
Multiple Dependent			0

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	410	216	205	Extension for reply within second month	
117	930	217	465	Extension for reply within third month	
118	1,450	218	725	Extension for reply within fourth month	
128	1,970	228	985	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,300	241	650	Petition to revive - unintentional	
142	1,300	242	650	Utility issue fee (or reissue)	
143	470	243	235	Design issue fee	
144	630	244	315	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	750	249	375	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	375	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)				Terminal Disclaimer	110

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$110)

SUBMITTED BY Complete (if applicable)

Name (Print/Type) Sarah O'Rourke

Registration No.
(Attorney/Agent)

41,226

Telephone

(720) 406-5385

Signature

Date

Feb 12, 2003